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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	Case No. 4:05-cr-00008-RRB
	)	
Plaintiff,	)	
	)	
v.	)	PLAINTIFF'S MOTION TO
	)	RELEASE PFD FUNDS
GABRIEL OZENNA, SR.,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff the United States of America, through the United States Attorney for the District of Alaska, hereby moves this Court to release funds currently held in the Court's Registry.

1. On or about March 27, 2007, a Writ of Execution pursuant to Alaska Statute 43.23.065 was entered in this action attaching defendant's Alaska Permanent Fund dividend payment for 2007.

2. Alaska Statute 43.23.065(d) frees plaintiff from the service requirement of notifying the debtor of the writ. The Alaska Department of Revenue automatically notifies the debtor of

attached PFD funds at the time the funds are turned over to the Court.

3. Pursuant to execution of the Writ, on or about October 10, 2007, dividend monies from the State of Alaska in the amount of \$1,482.04 were deposited into the Registry of this Court.

4. More than thirty (30) days have elapsed since the State notified the defendant of his right to object. To date, no objection has been filed. Defendant's right to object is now in default.

WHEREFORE, plaintiff hereby requests that the attached funds in the amount of \$1,482.04 currently held in the Court's Registry be released and deposited into U.S. Treasury Account 0022-6855XX, as payment toward Defendant's restitution.

RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of November 2007, at Anchorage, Alaska.

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I declare under penalty of perjury that a true and correct copy of the foregoing Motion to Release PFD Funds was served on Gabriel Ozenna, Sr. by First Class Mail on November 5, 2007.

s/Richard L. Pomeroy